

MINUTES

MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN JERRY O'NEIL**, on January 8, 2003 at 3 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Jerry O'Neil, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Brent R. Cromley (D)
Sen. Bob DePratu (R)
Sen. John Esp (R)
Sen. Dan Harrington (D)
Sen. Trudi Schmidt (D)
Sen. Emily Stonington (D)

Members Excused: None.

Members Absent: None.

Staff Present: Dave Bohyer, Research Director, Legislative
Services Division
Andrea Gustafson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 100, 1/6/2003
Executive Action: SB 100

CHAIRMAN O'NEIL called the meeting to order allowing **Kathy van Hook, Montana Consensus Council**, to give a brief presentation. She gave a general overview of what the Council is about. She stated they are a non-partisan group who help resolve issues between the public and officials. Ms. van Hook provided a handout explaining the Council's mission, what they do, list of services provided, list of board members and budget information, and

provided information on past, present, and upcoming projects. **EXHIBIT**(phs03a01)

HEARING ON HB 100

Sponsor: SEN. DUANE GRIMES, SD 20, Clancy

Proponents: Mick Robinson, Department of Public Health and Human Services (DPHHS)

Opponents: None.

Opening Statement by Sponsor:

SEN. DUANE GRIMES, SD 20, Clancy, opened his statement by saying it had not been a good day for him because he had to carry SB 10 earlier that day. In it he repealed references to the Health Care Advisory Council which he had served on for a least one interim. He gave background of what happened, stating that in 1991 and 1992, former Rep. Dorothy Bradley chaired the Health Care Forum. The forum provided an exhaustive and thorough examination on the status of health care in the State of Montana, which at the time, was experiencing a health care crisis. He further explained that the forum moved to the Health Care Advisory Council, which **SEN. STONINGTON** had served on at the time. With that information, **SEN. GRIMES** said he hated to strike SB 10 and that SB 100 is worse for him because section 50-4-312 will probably be stricken because it is in SB 10, making the first part of SB 100 obsolete. Another section of SB 100, new section, line 22, p.2 repeals section 50-4-502. **EXHIBIT**(phs03a02) In section 50-4-502, in SB 10 today, dropped 'with advice from the health care advisory' in the first line after the words: the department. **SEN. GRIMES** said that SB 100 will repeal that section in its entirety. SB 10 will supercede the first three sections of SB 100 if it passes. Then, what is left in SB 100 will pass as a repealer of section 50-4-502. **SEN. GRIMES** spoke further on the health care data base, which was put into code in 1993 because the legislature realized how critical it was to have accurate complete information. He summarized by saying that the bill strikes the healthcare data base.

Proponents' Testimony:

Mick Robinson, DPHHS, Administrator of Fiscal Services Division, stated that the impetus came out of the most recent legislative audit. They gave a recommendation from the legislative auditors in terms of the implementation of this particular section of law.

The recommendation is number 13 on the handout provided, **EXHIBIT (phs03a03)**. He stated the health care data base was a great idea in terms of trying to combine all the healthcare data they have within the entire state of Montana, not just state government, but in local governments and insurers, and private parties. He lamented that the funding has not come forward to accomplish that concept. Therefore, he was coming before the committee to try to recognize the reality of the fiscal issues within the state of Montana. The Department did not request dollars in this biennium to try to fund the creation or the implementation of a health care data base, realizing the money is not available. The recommendation from the auditor's office is that we need to evaluate the need for the law and seek legislative change if it is warranted. That is the direction they took because of the fiscal times that we are in and realized that it was simply not practical to ask for additional money to try to implement such a data base. He reluctantly asked that the committee pass this piece of legislation. He said the concept is a great one, but the financial ability to accomplish that at this point is simply not there.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. STONINGTON wondered if they needed to do anything coordinating this bill with the code commissioner bill to not have people misled that this is still in the code. **SEN. GRIMES** said he did not think so, but deferred to **Dave Bohyer**, the committee's legislative staffer. **Mr. Bohyer** said the bill can be passed without affecting the code commissioner bill. Section 50-4-312 will still be repealed through the code commissioner bill and the way the code commissioner bill amends section 50-4-504 comparts with this bill, so there will just be a composite section. He stated that section 50-4-504 is written the exact same way, so it won't be a problem.

SEN. SCHMIDT wanted to know what the budget was for this database and was it ever completely done for the Health Care Advisory Council. **SEN. GRIMES** said it was never accomplished and deferred to Mick Robinson to answer regarding the budget. **Mick Robinson** said in the 1997 Montana Health Care Advisory report to the governor, the request for funding for what was referred at the time as the Montana Health Information Network, was to try to network all the health care data sources within the state. The start up money for that was about \$220,000 in general funds and \$220,000 in federal funds, and was to get the initial network

established. He didn't believe those amounts would have been sufficient to accomplish the task, but that it would have been a good beginning.

{Tape: 1; Side: A}

SEN. SCHMIDT asked **Tanya Ask, Blue Cross Blue Shield of Montana**, if BCBSMT had anything similar to this database. **Ms. Ask** said BCBSMT has a great deal of health care data, however the data is actually claims data. They only collect the information to pay the claim. If services are provided outside the fact, those are not provided in that information. When the data base was originally proposed, it was looking at all the potential repositories of information so you could actually develop that complete second picture. The health insurance industry would be one component of it, the hospital community would be a second component, the provider, professional community would be a third, pharmacies would be a fourth. They would be bringing all those pieces together, the public and the private, in order to get a complete picture.

SEN. SCHMIDT asked **Claudia Clifford, State Auditor's Office**, if the State Auditor's Office did anything to overlap the database. **Ms. Clifford** said no, they have very little data. They have overall financial data about health insurance companies, but do not have nearly the data that BCBSMT has.

Closing by Sponsor:

SEN. GRIMES said that some day there will be the need to have accurate information because our problems will become so keen, we will have to have some basis for making wiser decisions. He said that we will realize along the way, the closer we get to it, how many errors we made in the past. He said there will come a time for this and encouraged the committee to keep that in mind in the future.

EXECUTIVE ACTION ON SB 100

Motion/Vote: **SEN. DEPRATU** moved that **SB 100 DO PASS. Motion carried 9-0.**

{Tape: 1; Side: B}

ADJOURNMENT

Adjournment: 3:42 P.M.

SEN. JERRY O'NEIL, Chairman

ANDREA GUSTAFSON, Secretary

JO/AG

EXHIBIT (phs03aad)